

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Carl Lavon Reynolds, #218774,)
a/k/a Na'im Ibn-Davd Abdul-Ahad,) C/A No. 6:07-4048-MBS
)
Plaintiff,)
)
vs.)
)
State of South Carolina,)
)
Defendant.)

)

O R D E R

Plaintiff Carl Lavon Reynolds a/k/a Na'im Ibn-Davd Abdul-Ahad is an inmate in custody of the South Carolina Department of Corrections. Plaintiff, appearing pro se, filed this action pursuant to 42 U.S.C. § 1983. It is not clear, however, what relief he seeks.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A. On December 21, 2007, the Magistrate Judge filed a Report and Recommendation in which he recommended that the case be dismissed because the State of South Carolina is entitled to Eleventh Amendment immunity. On January 4, 2008, Plaintiff filed a "Motion to Strike 12(f) Order Dated 12-21-07" that the court construes as objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff's objection fails to direct the court to a specific error in the Report and Recommendation. The court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). The court has carefully reviewed the record and agrees with the Magistrate Judge that the State of South Carolina is entitled to Eleventh Amendment immunity in an action brought under 42 U.S.C. § 1983.

The court concurs in the Report and Recommendation and incorporates it herein by reference. This case is dismissed *without prejudice* and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

February 5, 2008

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.